

**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR  
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)**

Docket No.  
**17530**

In Re Application Of: **Robert James, et al.**

| Application No.   | Filing Date           | Examiner                 | Customer No. | Group Art Unit | Confirmation No. |
|-------------------|-----------------------|--------------------------|--------------|----------------|------------------|
| <b>10/800,322</b> | <b>March 12, 2004</b> | <b>Juliet C. Switzer</b> | <b>23389</b> | <b>1634</b>    | <b>2289</b>      |

Invention: **NUCLEIC ACID MARKERS FOR USE IN DETERMINING PREDISPOSITION TO NEOPLASM AND/OR ADENOMA**

**COMMISSIONER FOR PATENTS:**

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of **February 26, 2009** in the above-identified application.  
*Date*

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **February 26, 2009** finally rejecting Claim(s) **1, 5, 13, 16, 32, 33, and 83.**

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☐ One month      ☐ Two months      ☒ Three months      ☐ Four months      ☐ Five months

from: **May 26, 2009** until: **August 26, 2009**  
*Date* *Date*

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: \$270.00

Fee for Extension of Time: \$555.00

**TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME:** **\$825.00**

The fee for the Notice of Appeal and extension of time is to be paid as follows:

☐ A check in the amount of \_\_\_\_\_ for the Notice of Appeal and extension of time is enclosed.

☒ Please charge Deposit Account No. **19-1013/SSMP** in the amount of **\$825.00**

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1013/SSMP**

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 CFR 1.17.

☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-1013/SSMP**

☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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Docket No.  
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In Re Application Of:

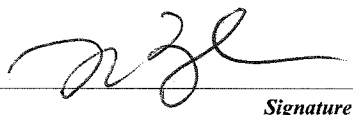
**Robert James, et al.**

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Invention: **NUCLEIC ACID MARKERS FOR USE IN DETERMINING PREDISPOSITION TO NEOPLASM AND/OR ADENOMA**

**TO THE COMMISSIONER FOR PATENTS:**

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:

  
*Signature*

Dated: **August 26, 2009**

**Xiaochun Zhu**  
**Reg. No. 56,311**  
**Scully, Scott, Murphy & Presser, P.C.**

**Certificate of Transmission by Facsimile\***

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| I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax no. _____) on _____ (Date) _____ Signature _____ |  |
| Typed or Printed Name of Person Signing Certificate  |  |

**\*This certificate may only be used if paying by deposit account.**

**Certificate of Mailing**

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| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) _____ Signature of Person Mailing Correspondence _____ |  |
| Typed or Printed Name of Person Mailing Correspondence   |  |

cc: **XZ:ab**